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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,957	02/19/2002	Alex Margulis	P-4661-US	2027
26529	7590	10/04/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025			FILE, ERIN M	
			ART UNIT	PAPER NUMBER
			2634	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/076,957	<b>Applicant(s)</b> MARGULIS ET AL.	
	<b>Examiner</b> Erin M. File	<b>Art Unit</b> 2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,12,13 and 26 is/are rejected.
- 7) ☐ Claim(s) 3-11,14-25 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/1/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed July 27, 2005 have been fully considered but they are not persuasive.

The applicant traverses the examiners rejection as follows:

*Applicant respectfully submits, however, that this interpretation of Sriram is contradicted by the actual teachings of Sriram. Sriram taught use of a global chip counter (GCC) 100 to maintain timing in a code division multiple access (CDMA) rake receiver employing a correlator co-processor (CCP) 200. See, e.g., Sriram in column 4 at lines 6-27. GCC 100 is to count samples of CDMA signals as they arrive at the receiver. See, e.g., Sriram in column 4 at lines 22-32. Sriram also taught all timing in CCP 200 is relative to the GCC 100 count value. See, e.g., Sriram in column 4 at lines 32-44 and in column 6 at lines 43-49. Noting interrupt generator 214 as illustrated in Figure 2 of Sriram forms a part of CCP 200, Applicant therefore respectfully submits the rate of generation of interrupts by interrupt generator 214 per unit time is not independent of data transfer rate.*

The examiner disagrees with the interpretation of Sriram as given by the applicant. The examiner's explanation of the generation is found in Claim 1 below. Further, it is not that the applicants claims require that the interrupts are generated *only* in response to transfer of information independent of the rate of transfer. The preamble term comprising only requires that the reference shows that interrupts are generation independent of the data rate, which as stated, is shown in claim 1.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 12, 13, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Sriram.

**Claims 1, 12, 26**, Sriram discloses a Code Division Multiple Access (CDMA) rake receiver which includes an interrupt generator (col. 2, lines 45-56). The interrupt generator generates task based interrupts which generates interrupts mainly in response to data transfer (col. 6, lines 57-67). Because the interrupts are generated by data tasks and not the data the interrupt rate is independent of the data transfer rate.

**Claims 2, 13**, inherits the limitations of Claims 1 and 12 respectively. Sriram further discloses symbols passed into the data path and into the DPE and EOL buffers, which are both tasks which generate interrupts (col. 5, lines 25-30, col. 6, lines 61-63).

***Allowable Subject Matter***

4. Claims 3-11, 14-25, 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin M. File whose telephone number is (571)272-6040. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571)272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erin File

EF

9/27/2005

  
**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINEE**  
**TECHNOLOGY CENTER 2600**